

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

VIZANT TECHNOLOGIES, LLC, : CIVIL ACTION
et al. :
: v. :
: :
JULIE P. WHITCHURCH, et al. : NO. 15-431

ORDER

AND NOW, this 8th day of January, 2016, for the reasons set forth in the accompanying memorandum, it is hereby ORDERED that:

(1) the motion of plaintiffs Vizant Technologies, LLC and Joseph Bizzarro "for Partial Summary Judgment, Final Money Judgment, and Permanent Injunction" (Doc. # 118) is GRANTED in part and DENIED in part;

(2) the motion of plaintiff Vizant Technologies, LLC for summary judgment in its favor is GRANTED against defendants Julie P. Whitchurch and Jamie Davis on Count III of the Complaint (alleging breach of contract) except to the extent that Count III is premised on:

(a) the allegation that Vizant Technologies, LLC suffered "resulting damage" to its relationship with Tacoma Screw Products; and

(b) the allegation that defendants breached their contractual obligations by emailing members of the Board of Directors of Vizant

Technologies, LLC to communicate their concerns about financial mismanagement within the company;

(3) the motion of plaintiff Vizant Technologies, LLC for summary judgment in its favor is GRANTED against defendants Julie P. Whitchurch and Jamie Davis on Count IV of the Complaint (alleging misappropriation of trade secrets);

(4) the motion of plaintiffs Vizant Technologies, LLC and Joseph Bizzarro is GRANTED against defendants Julie P. Whitchurch and Jamie Davis on Count V of the Complaint (alleging defamation) to the extent that Count V is based on the following statements:

- (a) "I'm calling you out. You're a . . . cheat Joe Bizzarro";
- (b) "You have no intention of paying the full commissions, never have";
- (c) Joseph Bizzarro "has 'enhanced' his reporting to the board so the true financial state of the company is far more positive than the reality";
- (d) Joseph Bizzarro is "a cheat";
- (e) Joseph Bizzarro is "a fraud [and] his resume and credentials are fabricated";
- (f) Joseph Bizzarro "is stealing from his employees, stealing from his clients, stealing from his alliance partners . . . and committing a fraud on the Georgia court system";

(g) Vizant Technologies, LLC, Frank Seidman, Lane Wiggers, Joseph Bizzarro, other Vizant employees, and Vizant's counsel "have engaged in a vicious, calculated, and illegal conspiracy to accuse, frame, and victimize the defendants. They have manufactured evidence, extorted the Defendants, committed perjury and subornation of perjury, threatened a witness, and sought the illegal incarceration of the Defendants"; and

(h) References contained in the YouTube videos created by defendants and on the website to the existence of a Ponzi scheme at Vizant Technologies, LLC.

(5) the motion of plaintiffs Vizant Technologies, LLC and Joseph Bizzarro for summary judgment is GRANTED against defendants Julie P. Whitchurch and Jamie Davis on Count VI of the Complaint (alleging tortious interference with existing and prospective business relationships) except to the extent that Count VI rests on the allegation that defendants' conduct caused Tacoma Screw Products to decline to enter into a service agreement with Vizant;

(6) the motion of plaintiffs Vizant Technologies, LLC and Joseph Bizzarro is GRANTED insofar as it seeks the conversion of the April 29, 2015 preliminary injunction against defendants Julip P. Whitchurch and Jamie Davis into a permanent injunction which is set forth in a separate order entitled "Permanent Injunction";

(7) the motion of plaintiffs Vizant Technologies, LLC and Joseph Bizzarro "for Partial Summary Judgment, Final Money Judgment, and Permanent Injunction" is otherwise DENIED;

(8) the motion of defendants Julie P. Whitchurch and Jamie Davis for summary judgment (Doc. # 174) against Vizant Technologies, LLC and Joseph Bizzarro is GRANTED in part and DENIED in part;

(9) the motion of defendants Julie P. Whitchurch and Jamie Davis for summary judgment is GRANTED against Vizant Technologies, LLC on Count III of the Complaint (alleging breach of contract) insofar as Count III is based on defendants' communication of their concerns to Vizant's Board of Directors;

(10) the motion of defendants Julie P. Whitchurch and Jamie Davis for summary judgment is GRANTED against Vizant Technologies, LLC on Count VIII of the Complaint (alleging conversion);

(11) the motion of defendants Julie P. Whitchurch and Jamie Davis for summary judgment is GRANTED against Vizant Technologies, LLC and Joseph Bizzarro on Counts I (alleging violation of 18 U.S.C. § 1962(c)), II (alleging violation of 18 U.S.C. § 1962(d)), VII (alleging abuse of process), IX (alleging fraud), and X (alleging civil conspiracy) of the Complaint; and

(12) the motion of defendants Julie P. Whitchurch and Jamie Davis for summary judgment against Vizant Technologies, LLC and Joseph Bizzarro is otherwise DENIED.

BY THE COURT:

/s/ Harvey Bartle III

J.